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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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OUR FILE NO.

August 24, 1993

2216.003
082393.mv

BY HAND

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

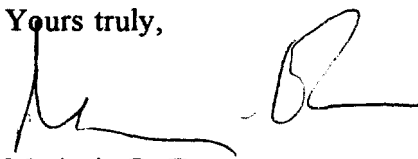
RE: Petition for Rulemaking
Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Clarksville, Texas and Bonham, Texas

Dear Mr. Caton:

Enclosed is an original and four (4) copies of a Petition for Rulemaking for filing with the Commission in connection with the above-captioned. Also enclosed is one copy for date-stamping and return to us in the enclosed self-addressed stamped envelope.

If you should have any questions, kindly direct them to the undersigned.

Yours truly,



Marjorie R. Esman

MRE/mv
Enclosures

cc: Louis Michael Basso, III

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AUG 25 1993

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re *

Amendment of Section 73.202(b) *

Table of Allotments *

FM Broadcast Stations *

Clarksville, Texas and Bonham, Texas *

* * * * *

**To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau**

PETITION FOR RULEMAKING

Basso Broadcasting, Inc. (Basso), licensee of station KCBZ, Clarksville, Texas, through counsel and pursuant to the Commission's rules, petition for rulemaking to amend Section 73.202(b) of the Commission's rules, the FM Table of Allotments, to substitute Channel 253C2 for Channel 253A at Clarksville, Texas, and to modify Basso's license for KCBZ accordingly.¹

In support, Basso shows the following:

I. Channel 253C2 is Available for Substitution at Clarksville, Texas.

Basso's consulting engineers have determined that Channel 253C2 is available for allotment to Clarksville, Texas if Channel 252A is substituted for Channel 252C3 at Bonham, Texas. A supporting Technical Exhibit is attached as Exhibit 1.

¹Basso is simultaneously filing a Form 301, under the new one-step procedure, seeking to upgrade KCBZ from Class A to Class C3. Basso ultimately seeks the Channel 253C2 allotment at Clarksville and requests that Channel 253C2 be substituted for Channel 253C3 if the Form 301 is granted.

To accommodate Channel 253C2 at Clarksville, Basso requests that the Commission downgrade the Bonham allotment to Channel 252A. As indicated by Exhibit 1, on Channel 252A the FCC reference coordinates for Bonham meet the separation requirements with respect to all allotments and assignments.²

II. Commission Policies Favor the Upgrade of KCBZ.

Basso proposes to allot Channel 253C2 to Clarksville, which will provide primary FM service to an additional estimated area of 6,030 square kilometers encompassing an additional estimated 86,240 persons. Compared with a maximum Class C3 facility, operation with the licensed maximum Class C2 facility would provide primary FM service over an additional estimated area of 3,770 square kilometers encompassing an additional estimated 64,700 persons. The proposal will not result in any loss of service or deprivation of local service from any community, but rather will provide additional service to Clarksville and its surrounding area. Therefore, the proposal represents a more efficient arrangement of allotments.

The Commission must ensure the fair, efficient, and equitable use of the radio spectrum. 47 U.S.C. §307(b) (1993). With expanded coverage area KCBZ could reach many more listeners and therefore provide a more efficient use of the spectrum. Public interest considerations, which favor the upgrade of existing stations, will be furthered by the proposed upgrade of KCBZ to Channel 253C2.

²Channel 252C3 was allotted to Bonham in Docket 89-209, effective May 18, 1990. Channel 253C3 was allotted to Clarksville in Docket 89-215, also effective May 18, 1990. Although station KFYZ-FM, licensed to Bonham on Channel 252A, never applied for Channel 252C3, the channel has not been downgraded. This is despite the fact that effective September 25, 1992, Channel 253 was downgraded from C3 to A at Clarksville because the previous licensee KCBZ did not apply for the upgraded channel. Basso believes that the Commission inadvertently neglected to downgrade the Bonham allotment when it downgraded the one at Clarksville.

III. Basso Will Apply for and Construct a Class C2 facility at Clarksville, Texas if This Proposal is Granted.

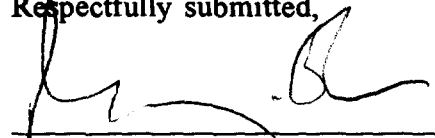
If this Petition for Rulemaking is granted, Basso will promptly file the necessary application to specify operation on Channel 253C2. If granted a construction permit, Basso will expeditiously construct and operate a Class C2 facility on Channel 253C2.

IV. Conclusion.

Basso has demonstrated that Channel 253C2 is available for the upgrade of KCBZ (FM), Clarksville, Texas if the allocation of Channel 252C3 at Bonham, Texas is replaced with Channel 252A. This is consistent with the Commission's rules favoring upgrade of existing stations. The proposed upgrade is therefore in the public interest.

In view of the above, Basso Broadcasting, Inc. requests that the Commission issue a Notice of Proposed Rulemaking proposing the amendment of the FM Table of Allotments, Section 73.202(b) of the Commission's rules, to substitute Channel 253C2 for Channel 253A at Clarksville, Texas, and Channel 252A for Channel 252C3 at Bonham, Texas. Basso further requests that the Commission issue an Order modifying the license of KCBZ (FM), Clarksville, Texas to reflect operation on Channel 253C2 conditioned on Basso filing an appropriate application specifying the new facility.

Respectfully submitted,



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Counsel for Basso Broadcasting, Inc.

TECHNICAL STATEMENT
IN SUPPORT OF
A PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
BASSO BROADCASTING, INC.
CLARKSVILLE, TEXAS

This technical statement and associated exhibits have been prepared on behalf of Basso Broadcasting, Inc. (herein "Petitioner") in support of a Petition for Rule Making requesting amendment of 47 CFR 73.202(b). Petitioner is licensee of FM station KCBZ, channel 253A, Clarksville, Texas and requests amendment of 47 CFR 73.202(b) by the substitution of channel 253C2 for channel 253A at Clarksville and the corresponding modification of the license of KCBZ to reflect the upgraded channel. Concurrently with this Petition, Petitioner is also filing an application to upgrade the licensed KCBZ to channel 253C3.¹ Compared with the licensed facility, operation from the KCBZ licensed transmitter site with a maximum class C2 facility would provide predicted primary FM service (60 dBu, 1.0 mV/m) over an additional estimated area of 6,030 square kilometers encompassing an additional estimated 86,240 persons. Compared with a maximum class C3 facility at the licensed site, operation from the licensed site with a maximum class C2 facility would provide predicted primary FM service over an additional estimated area of 3,770 square kilometers encompassing an additional estimated 64,700 persons. For the reasons detailed below, Petitioner also requests amendment of 47 CFR

¹ Since there are no allocation conflicts with the channel 253C3 application, it is being filed under the new one-step process. Petitioner ultimately seeks the channel 253C2 allotment at Clarksville and requests that channel 253C2 be substituted for channel 253C3 if this application is granted.

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Clarksville, Texas

73.202(b) by the deletion of the vacant channel 252C3 allotment at Bonham, Texas.¹²

Proposed Changes in FM Table of Allotments

Petitioner herein requests modification of the FM Table of Allotments, 47 CFR 73.202(b), by the substitution of channel 253C2 for channel 253A at Clarksville, Texas and the substitution of channel 252A for channel 252C3 at Bonham, Texas. The proposed changes are as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Bonham, Texas	252C3	252A
Clarksville, Texas	253A	253C2

Compliance with FCC Rules

The attached Figure 1 is a tabulation of required separations (47 CFR 73.207) pertinent to the use of channel 253C2 at Clarksville, Texas. The reference coordinates used are those of the licensed transmitter site of KCBZ, which are:

33° 36' 47" North Latitude
95° 01' 03" West Longitude

As can be seen from the tabulation, the vacant channel 252C3 allotment at Bonham is the only facility or allotment which is short-spaced to the proposed, upgraded

¹² Station KFYZ-FM is licensed to Bonham, Texas on channel 252A. KFYZ-FM has never applied for the vacant allotment of channel 252C3 at Bonham.

KCBZ.⁴³ Since, for more than three years, the channel 252C3 allotment at Bonham has been vacant and unapplied for, Petitioner believes that it should be deleted from the FM Table of Allotments and that channel 253C2 should be substituted for channel 253A at Clarksville, thus allowing KCBZ to upgrade at its licensed site. Petitioner states his intent to promptly apply for the upgraded channel if allotted.

As the entire city of Clarksville is within the licensed KCBZ city grade (70 dBu, 3.16 mV/m) contour, it is obvious that the entire city of Clarksville would be within the predicted city grade contour of a class C2 facility at the licensed site.

Population and Area

The channel 253C2 facility, as assumed herein, would provide predicted 60 dBu or better service over an estimated area of 8,540 square kilometers within which an estimated 100,840 persons reside. A maximum class C3 facility at the licensed KCBZ site is predicted to provide 60 dBu or better service over an estimated area of 4,770 square kilometers within which an estimated 36,140 persons reside. The licensed channel 253A facility is predicted to provide 60 dBu or better service over an area of 2,510 square kilometers within which an estimated 14,600 persons reside. The areas within the 60 dBu contours were determined using a root-mean-squared method of calculation. The populations within the 60 dBu contours were determined by a computer program which adds

⁴³ It is noted that the proposed channel 253C2 allotment also meets the minimum separation distances of 47 CFR 73.207(c) with respect to all TV Channel 6 allotments and assignments.

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Clarksville, Texas

the populations of census districts having centroids that lie within the specified contour.

Distances to the 60 dBu contours were determined using the method of 47 CFR 73.313. Terrain data along the standard eight radials from the licensed site were obtained from the KCBZ engineering records on file with the Commission.

Conclusion

Channel 253C2 can be substituted for channel 253A at Clarksville, Texas, at the KCBZ licensed site, in compliance with all applicable Commission rules provided that the vacant channel 252C3 allotment at Bonham, Texas is deleted. Therefore, petitioner requests the substitution of channel 253C2 for channel 253A at Clarksville, Texas and modification of the license for FM station KCBZ accordingly. Petitioner also requests that the vacant channel 252C3 allotment at Bonham, Texas be deleted and replaced with channel 252A. Petitioner states his intent to promptly apply for the upgraded channel at Clarksville, if allotted.

David E. Dickmann

David E. Dickmann

du Treil, Lundin & Rackley, Inc.
240 N. Washington Blvd., Ste. 700
Sarasota, Florida 34236
(813) 366-2611

August 18, 1993

Figure 1

TECHNICAL STATEMENT
IN SUPPORT OF
A PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
BASSO BROADCASTING, INC.
CLARKSVILLE, TEXAS

Allocation Study

Job Title :Clarksville, Texas

Separation Buffer 32 km

FCC DB Date : 06/29/93

Channel 253C2 (98.5 MHz)

Coordinates : 33-36-47 95-01-03

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KTALFM LIC	Texarkana TX	BLH4026	251C 98.1	100. 415.0	32-54-11 94-00-22	129.7	122.82	105
KFYZFM LIC	Bonham TX	BLH800331AL	252A 98.3	3.00 91.0	33-33-26 96-13-13	267.1	111.84	106
*To Amend to Channel 252C3 per D89-209								
ALC	Bonham TX	Docket89-209	252C3 98.3	.0	33-33-26 96-13-13	267.1	111.84	117 ¹
Effective 5-18-90-Reserved for KFYZFM per D89-209								
KCBZ LIC	Clarksville TX	BLH901224KA	253A 98.5	6.0 100.0	33-36-47 95-01-03	.0	.00	166 ²
KURBFM LIC	Little Rock AR	BLH880727KA	253C 98.5	100. 392.0	34-47-56 92-29-44	59.7	267.07	249
KLUVFM LIC	Dallas TX	BLH801001AG	254C 98.7	100. 483.0	32-35-22 96-58-10	238.5	214.68	188

¹Deletion of this vacant allotment requested herein.

²Licensed KCBZ proposed to be upgraded to channel 253C2.